

Andrew T. Lolli

Direct T 212.209.4433 F 314.621.5065

alolli@atllp.com



April 29, 2024

VIA ECF

The Honorable Arun Subramanian
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
Courtroom 15A
New York, NY 10007-1312

The motion is granted in part. The conference will be adjourned to July 1, 2024, at 11:00 AM. Separately, the Court, having reviewed the motion to dismiss, has decided to deny the motion without prejudice but stay this case pursuant to the “power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Louis Vuitton Malletier S.A. v. LY USA, Inc.*, 676 F.3d 83, 96 (2d Cir. 2012) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). The case will be stayed until July 1, 2024, to see what happens in the Ohio litigation. The parties should apprise the Court, in the form of a joint letter, on or before June 24, 2024, as to where things stand. During this down time, lead trial counsel for both sides must meet and confer, in person, to see if there is a way to put the pin back in the grenade in terms of this case. They can use one of the dates indicated in counsel's letter. The Clerk of Court is respectfully directed to terminate Dkts. 11 and 29 and to stay this case.

SO ORDERED.

A handwritten signature in black ink.

Arun Subramanian, U.S.D.J.

Date: April 30, 2024

Re: *Oxford Finance LLC v. Craig M. Bernfield*, Case No.: 24-cv-375
Request to Adjourn Initial Conference Scheduled for May 2, 2024 at 10:00 A.M.

Dear Judge Subramanian,

Armstrong Teasdale LLP represents defendant Craig M. Bernfield (“Defendant”) in the above referenced action. We write to request to reschedule the in-person Initial Conference scheduled for May 2, 2024 at 10:00 A.M. concerning a scheduling order and the pending motion to dismiss be adjourned. [ECF 28.]

No prior request for an adjournment has been made. Unfortunately, I will be on vacation, and out of the country, on May 2, 2024, and unable to appear. I will return on May 12, 2024. Counsel for plaintiff Oxford Finance LLC consents to this request to reschedule the in-person Initial Conference. The request does not impact any other existing deadlines.

The parties are available for an in-person Initial Conference May 13, 14, 15, 16 or 17, 2024.

Respectfully submitted,

A handwritten signature in black ink.

Andrew T. Lolli

Cc: Counsel of Record (via ECF)